



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

\$ 9200/2177
#19

In re Application of : Monahan, Christopher J., et.al.
Serial No. : 08/795,997
Filed : February 5, 1997
Art Unit : 2177
Examiner : Choules, Jack M.
Title : TRANSPARENT LIBRARY MANAGEMENT

Atty Docket No. : TUC9-1990-0007XR

Attn: PETITIONS
Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT
BASED ON FAILURE TO RECEIVE OFFICE ACTION
UNDER MPEP 711.03**

The applicants hereby petition for withdrawal of the holding of abandonment mailed July 1, 2002. The Office abandoned the application because a reply to an Office Action was not received. In view of the evidence presented in support of the contention that the applicant's representative did not receive the original Office Action mailed on December 6, 2001, the applicants respectfully request the remailing of such Office Action in accordance with MPEP 7.11.03(c)(II), together with the resetting of the time period for reply in accordance with the office procedures set forth in the Deputy Commissioner's "Memorandum-I, Resetting Period for Reply and Remailing..." dated February 15, 2002.

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Statement & Evidence

I. The Office Action mailed December 6, 2001, was never received by the offices for the attorney of record of which the undersigned is a part. A search of the file jacket and docket records also indicates that the Office Action was not received. A copy of docket records where the nonreceived Office Action would have been entered had it been received and docketed is attached. EXHIBIT A shows a docket page for the subject application, from the undersigned attorney's computer docketing system. As shown by the handwritten arrow #1, entries under "Event Name" have no indications of the December 6, 2001 Office Action having been received. However, applicants' receipt of other communications regarding the application are shown. In view of the above, the undersigned has concluded that the Office Action dated December 6, 2001, was not received.

Finally, the undersigned understands that a phone call from the Examiner to the attorney of record was received on or about the mailing date of the Notice of Abandonment, however the undersigned also understands that there was no discussion of an abandonment issue during such call.

II.

Request

The Office is requested to withdraw the holding of abandonment and remail the Office Action in accordance with MPEP 711.03(c).

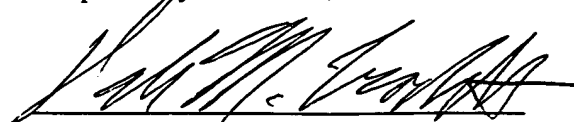
Fees

The Commissioner is authorized to charge the petition fee of \$130, as required by 37 CFR 1.17(h), to Deposit Account 09-0449. The Commissioner is also authorized to charge any deficit, or credit any overpayment, to this same account.

Date:

August 30, 2002

Respectfully submitted,

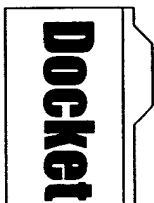


Dale M. Crockatt

Reg. No. 35,109

USPTO Customer 33595

EXHIBIT A



Docket TUC9-1990-0007-US3

Application 08/795997

Reissue of TUC9-1990-0007-US2

Prepared for and/or by an IBM Attorney - IBM Confidential

Created By: MigrationAgent **Created On:** 10/05/1999 06:04:08 AM

Event Name
DOCKET APPLICATION FOR FILING
File Application for Reissue
RECEIVE OFFICE ACTION
FILE AMENDMENT
Telephone Interview with Examiner
FILE AMENDMENT (SUPPLEMENTAL)
Receive Office Action (Non-Final)
File Amendment (Response to Office Action
Telephone Interview with Examiner
File Amendment (Response to Office Action
→ Receive Notice of Abandonment

Date
25-Apr-1990
5-Feb-1997
28-Jul-1998
17-Nov-1998
13-Apr-1999
30-Apr-1999
17-May-2000
17-Mar-2000
6-Mar-2001
7-Mar-2001
1-Jul-2002

Recorded by
MigrationAgent
Migration Agent
MigrationAgent
MigrationAgent
Migration Agent
MigrationAgent
Ceil White
Ceil White
Frances Diaz
Frances Diaz
Frances Diaz



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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**PETITION TO WITHDRAW HOLDING OF ABANDONMENT
BASED ON FAILURE TO RECEIVE OFFICE ACTION
UNDER MPEP 711.03**

CERTIFICATE OF MAILING
UNDER 37 CFR 1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner of Patents and Trademarks, Washington, D.C. 20231 on August 30, 2002.

Frances Diaz
Name of Person Mailing Paper
Frances Diaz



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: : Date: August 30, 2002
Monahan, Christopher J., et.al. : Group Art: 2177
Filed: February 5, 1997 : Examiner: Choules, J.M.
Serial Number: 08/795,997 : From: Tucson, AZ 85744
For: TRANSPARENT LIBRARY MANAGEMENT

ASSOCIATE POWER OF ATTORNEY (37 C.F.R. 1.34)

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Please recognize as Associate Practitioner in this case:

Dale M. Crockatt
IBM CORPORATION
Intellectual Property Law (90A/9032)
9000 South Rita Road
Tucson, AZ 85744
Reg. no.: 35,109
Tel. no.: (520) 799-5025

Respectfully submitted,
Monahan, C. J., et. al.

By Robert M. Sullivan
Robert M. Sullivan
Attorney of Record
Registration No.: 39,391
Phone: (520) 799-2550
From: IBM Corporation
Intellectual Property Law
9000 South Rita Road (90A/9032)
Tucson, Arizona 85744

RMS/fgd

CERTIFICATE OF MAILING UNDER 37 CFR 1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231 on

August 30, 2002.
Date of Deposit

Frances Diaz
Name of Person Mailing Paper
Frances Diaz
08/795,997

TUC9-1990-0007-US3